

that have allowed the textile industry in this country to survive. So actually, these gentlemen are to be commended, each and every one of them for their foresight in supporting this project. I think I heard the textile industry has 60,000 employees across this country, and is a \$60 billion industry. This is really a small amount of money which has had a huge pay-off for the textile industry and the economy of the country. It's a good project, Mr. Chairman.

I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The amendment was rejected.

AMENDMENT NO. 25 OFFERED BY MR. PENCE

Mr. PENCE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment No. 25 offered by Mr. PENCE:

At the end of the bill, before the short title, insert the following new title:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. None of the funds made available by this Act may be used to enforce the amendments made by subtitle A of title II of Public Law 107-155.

The CHAIRMAN. The gentleman from Indiana is recognized for 5 minutes.

(Mr. PENCE asked and was given permission to revise and extend his remarks.)

Mr. PENCE. Mr. Chairman, I rise today to offer a very straightforward amendment. It would prohibit funds appropriated in this bill from being used by the Department of Justice to enforce the criminal penalties provisions of the Bipartisan Campaign Reform Act of 2002, commonly known as McCain-Feingold. It would, essentially, prevent the Justice Department from using funds to enforce criminal penalties against organizations that make electioneering communications under that bill.

The electioneering communications section of McCain-Feingold prohibits the use of corporate or labor union funds to finance broadcast advertisements that include the name or depiction of a Federal candidate within 30 days of a primary election and 60 days before a general election. Basically, it restricts the first amendment rights of Americans, whether they be in right-to-life organizations or the AFL-CIO or other labor organizations, from lobbying their Representatives and using the airwaves in those days before elections.

Happily, on June 25 of this year, the United States Supreme Court, in the case of *FEC v. Wisconsin Right to Life*, ruled unconstitutional this provision of the McCain-Feingold law that prohibits the broadcasting of such issue advertisements prior to an election, even if those advertisements reference a Federal candidate, and even if the advertisements have some electoral effect. It was, in a very real sense, Mr. Chairman, a huge victory for the first amendment because it's a major step in

restoring the free speech rights to grass-roots lobbying organizations, left, right, and center.

The ruling allows advocacy groups around the country, like Wisconsin Right to Life, the freedom to run ads to encourage citizens to contact their legislators on issues of importance to them. And it reasserts the principle that the presumption under the law should be in favor of free expression rather than the muzzling of speech.

Those of us who hailed this ruling and welcomed it as a first step toward the reversal of McCain-Feingold were encouraged, but we knew this was not the end of the story. As the sole House plaintiff in the *McConnell v. FEC* case that challenged McCain-Feingold, I believe we must maintain our effort, which is to ensure that that about McCain-Feingold that intrudes on the first amendment rights of every single American are challenged. And that's why I'm on the floor today.

The Pence amendment reaffirms the Supreme Court's ruling in *Wisconsin Right to Life*. It simply states that no funds under this bill can be used to enforce criminal penalties against any organization airing such an issue advertisement. It further prevents criminal penalties attendant to the reporting requirements associated with the airing of such ads. We should not allow criminal penalties to be imposed on citizens for engaging in protected speech and for not reporting to the Government about their protected speech.

That is the crux of the Pence amendment.

Mr. NADLER. Would the gentleman yield for a question?

Mr. PENCE. I'd be pleased to yield.

Mr. NADLER. Is your amendment limited to saying you can't use funds to enforce criminal penalties against what the Supreme Court ruled unconstitutional, or does it have broader effect against other provisions of the McCain-Feingold bill?

Mr. PENCE. Reclaiming my time, I appreciate the gentleman's question.

In fairness, my amendment says that no funds may be used to force amendments made subject to title A of title II of Public Law 107-155, which, according to some, is slightly broader than the Supreme Court decision. But this is the provision of the law that the Supreme Court essentially struck down. That's the crux of the Pence amendment.

All of those who claim allegiance to the first amendment, I believe, should be thrilled with the *Wisconsin Right to Life* decision and support the Pence amendment.

I think we still have much to do to reinstate full first amendment protections to the American people. But I continue to believe we're badly trampled by McCain-Feingold.

But passing the Pence amendment today in the Congress would simply reaffirm the essential elements of the Supreme Court's decision in the *Wis-*

consin *Right to Life* case. It's an important first step on this floor. It's one I encourage my colleagues to support.

Mr. Chairman, I yield back the balance of my time.

Mr. MOLLOHAN. I move to strike the last word.

The CHAIRMAN. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, the FEC is planning to issue new regulations to comply with the Supreme Court ruling that the gentleman referenced. That issue, with regard to mentioning candidates, may be seen in the run-up to elections. This amendment would not interfere with that process. Mr. Chairman, we'll accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. PENCE).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. NADLER

Mr. NADLER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. NADLER:

Page 83, after line 6, insert the following new section:

SEC. 529. For "OFFICE ON VIOLENCE AGAINST WOMEN—VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS" for the Jessica Gonzales Victims Assistance program, as authorized by section 101(b)(3) of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109-162), and the amount otherwise provided by this Act for "DEPARTMENT OF JUSTICE—GENERAL ADMINISTRATION—SALARIES AND EXPENSES" is hereby reduced by \$5,000,000.

Mr. FRELINGHUYSEN. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. A point of order is reserved.

Mr. NADLER. Mr. Chairman, this amendment will increase the Violence Against Women Prevention Programs by \$5 million intended to fund a specific provision, namely the Jessica Gonzalez Victim Assistance Program. To offset this cost the Department of Justice general activities accounts will be reduced by the same amount, \$5 million.

The Jessica Gonzalez program places special victim assistants to act as liaisons between local law enforcement agencies and victims of domestic violence, dating violence, sexual assault and stalking in order to improve the enforcement of protection orders. It develops, in collaboration with prosecutors, courts and victim service providers, standardized response policies for local law enforcement agencies, including triage protocols to ensure that dangerous or potentially lethal cases are identified and prioritized.

Victims of domestic violence need the Jessica Gonzales program because the current system has undermined the effectiveness of restraining orders. In *Castle Rock v. Gonzalez*, the Supreme Court held that the police did not have a mandatory duty to make an arrest under a court-issued protective order